

FILED

SEP 13 12 25 PM '99

JAMES GUSSELL  
CLERK OF COURTS  
HAMILTON COUNTY, OHIOIN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO  
CRIMINAL DIVISION

STATE OF OHIO	:	CASE NO. B-97-06964
Plaintiff-Respondent	:	JUDGE NIEHAUS
vs.	:	<u>PETITIONER'S AMENDED RESPONSE</u>
REGINALD ALLEN	:	<u>TO STATE'S MEMORANDUM IN</u>
Defendant-Petitioner	:	<u>OPPOSITION TO PETITION FOR</u>
	:	<u>POSTCONVICTION RELIEF</u>

Now comes the Defendant-Petitioner, Reginald Allen, and hereby amends the response to State's memorandum in opposition to Petition For Postconviction Relief filed August 30, 1999. The State raised the issue of an untimely petition under RC 2953.21(A) claiming the petition is outside the 180 day limitation. The Defendant-Petitioner countered said claim in that the time computation does not begin to accrue until the transcripts are filed in the appellate court where direct appeal is pending.

Attached hereto is an original Hamilton County Appearance Docket of the above-captioned case wherein it is clearly stated that the Notice of filing of the record-including the transcripts of proceedings-was filed February 18, 1999. Indeed, the petition in this matter was timely filed within the statutory provisions of RC 2953.21(A) and the State's contentions otherwise are without merit. See attached Hamilton County Appearance Docket at 2/18/99.

This amendment incorporates as if fully rewritten the Petitioner's response to State's memorandum in opposition to petition for postconviction relief filed August 30, 1999.

Accordingly, the Defendant-Petitioner respectfully reiterates the request for postconviction relief as requested within the petition filed August 6, 1999.

EXHIBIT

17

Respectfully submitted,

---

REGINALD ALLEN  
#353-308 P.O. Box 7010  
CHILLICOTHE, OHIO 45601

Defendant-Petitioner Pro Se

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing amended response to State's memorandum in opposition to Petition for Postconviction Relief has been served upon Micheal K. Allen and Phillip R. Cummings at 230 East Ninth Street, Suite 4000, Cincinnati, Ohio 45202 via regular U.S. Mail on this 8<sup>th</sup> day of Sept, 1999.

Reginald Allen  
REGINALD ALLEN